

REMARKS

Amendments and Status of Claims

With this paper, claims 4 and 43 have been amended, and claim 6 has been cancelled without prejudice or disclaimer. Support for the amendments to the claims can be found throughout the specification and claims as filed. No new matter has been added.

Claims 1-5, 7-14, 21, 24, 25, 28, 29, 31, 32, 37-40, 42, 43, 46 and 47 are pending in the application, claims 4, 5, 7-9, 12, 13, 25 and 43 are under examination, and claims 1-3, 10, 11, 14, 21, 24, 28, 29, 31, 32, 37-40, 42, 46 and 47 stand withdrawn from consideration.

The amendments to the claims (or cancellation of claims) are being made for the purpose of expediting prosecution and are made without prejudice or waiver of any subject matter thereof. Applicants reserve the right to present the original claims in this or a continuing application.

Applicants note with appreciation the indication that claim 7 (and former claim 6) recites allowable subject matter.

Rejection under 35 U.S.C. §112, first paragraph (enablement)

Claims 4, 5, 8, 9, 12, 13, 25 and 43 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. This rejection is traversed.

Without agreeing with this rejection, Applicants note that pending claim 4 (from which claims 5, 8, 9, 12, 13, and 25 depend directly or indirectly) is directed to an isolated polynucleotide comprising the polynucleotide of SEQ ID NO:16. The Office Action acknowledges (e.g., at page 3 thereof) that the specification is enabling for polynucleotides of SEQ ID NO:16, and a vector, transformant, pharmaceutical composition and diagnosing kit comprising such polynucleotides. Applicants submit – and the Office Action appears to

agree – that the specification provides ample support for the pending claims. Applicants contend that the rejection does not apply to the pending claims.

Reconsideration and withdrawal of the rejection is proper and such action is requested.

CONCLUSION

For at least the foregoing reasons, Applicant believes the pending application is in condition for allowance. Early and favorable consideration is requested.

In the event that an extension of time is required, the undersigned conditionally requests any necessary extension of time. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 62936 (46342).

Dated: September 3, 2009

Respectfully submitted,

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